



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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OFFICE OF
ENVIRONMENTAL
CLEANUP

APR 23 2018

Hun Seak Park
Washington Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

RE: Ecology comments dated March 20, 2018 on the draft Record of Decision Amendment for the Wyckoff/Eagle Harbor Superfund Site

Dear Mr. Park,

Thank you for your thorough review of the draft Record of Decision Amendment (RODA) for the Wyckoff/Eagle Harbor Superfund Site. This letter provides responses to the comments in your letter dated March 20, 2018.

- 1) Applicable or Relevant and Appropriate Requirements (ARARs). Ecology provided a list of three State laws / regulations that should be added to the ARAR tables in the draft RODA:
 - WAC 173-340-740(5) – Total site risk adjustment to cleanup levels. EPA did not add this requirement to the ARAR tables because it addresses soil cleanup levels, and the current draft RODA includes only the beach remedy, replacement of the perimeter sheet pile wall, and upgrades to the access road. When Ecology reviewed the draft ARAR tables, EPA was planning to use one set of tables in both the current RODA and the forthcoming RODA, which will address additional cleanup actions in upland soil and groundwater. The comprehensive set of tables reviewed by Ecology included ARARs for soil cleanup actions. Based on input from EPA headquarters and legal counsel, it was decided the comprehensive tables should be split, so that each RODA would contain only the ARARs relevant to that RODA. Thank you for alerting EPA to WAC 173-340-740(5), which EPA will include as an ARAR in the forthcoming RODA for soil and groundwater.
 - WAC 173-201A-510(3)(a), (b), and (c) – Nonpoint source and stormwater pollution. This ARAR was added to the Action Specific ARAR table.
 - WAC 173-303-280(6) and WAC 173-303-040 – Cleanup only facility; standards for owners/operators: Treating, Storing, or Disposing of Dangerous Waste. This ARAR was added to the Action Specific ARAR table.
- 2) Implementation – Milestone Schedule. Ecology suggested that EPA provide a framework for the timing of key elements of the RODA. EPA added new text to Section 13, providing a rough schedule of one year for pre-design investigation studies, one year for remedial design and planning, and two years for construction.
- 3) Post Monitoring. Ecology suggested that additional details be provided on monitoring requirements following construction. EPA added new text to Section 13 that cites the current Operations, Maintenance, and Monitoring Plan, noting that it will be updated to reflect the new cleanup levels and points of compliance established in the RODA.

- 4) Previous remedial actions in the sub-tidal portion of East Harbor. Ecology noted that contaminants concentrations in two subtidal sediment sampling grids near the former West Dock exceed risk-based screening levels, and suggested that EPA perform a feasibility study to evaluate implementation of a cap in this area. EPA did not address this comment in the RODA because the scope of the RODA is limited to intertidal beach sediments. EPA will further evaluate this area, either during the design effort for this RODA (as part of a potential habitat mitigation project), or before the next Five-Year Review.
- 5) Final excavation /dredge volume and active remediation areas. Ecology suggested that the RODA text should describe the potential for the remedial cleanup area to be expanded following the pre-remedial design investigation. EPA added new text to Section 13 to clarify this point.
- 6) Remedial Action Objective 3 – Reduce levels of contaminants in shellfish tissue to levels protective of tribal shellfish consumers. The RODA establishes a target tissue concentration in shellfish that is protective of Tribal shellfish consumers. Ecology emphasized the importance of developing a sediment cleanup level for this risk pathway, which is required by state regulations under the Model Toxics Control Act / Sediment Management Standards (MTCA/SMS). EPA added additional text to Section 8 of the RODA to emphasize that this is an interim RODA, and that compliance with MTCA/SMS requirements will be addressed in a future CERCLA decision document.
- 7) Redline/Strikeout changes to the draft text and tables. Ecology suggested more minor changes to the RODA by providing edits to the text and tables. EPA appreciates Ecology's review and accepted most of Ecology's suggested changes, as discussed during our April 6 teleconference.

EPA appreciates Ecology's quick review of the draft RODA and your concurrence letter, which we received by email on April 13. We look forward to signing this RODA, getting the remedial design effort underway, and turning our attention to the RODA for upland soil and groundwater.

Sincerely,



Helen Bottcher
Remedial Project Manager